

### **REMARKS**

Claims 1, 3, 4, 7, 9, 10 and 13-16 are currently pending in this case. The Applicants have corrected the typographical errors in claims 1 and 7 as pointed out by the Examiner, and additional grammatical errors in claims 1, 7, 13, and 14. Entry of these amendments is respectfully requested. At a minimum the preceding amendments present the rejected claims in a better form for consideration on appeal. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. § 103***

Claims 1, 3, 4, 7, 9, 10 and 13-16 were rejected under 35 U.S.C. § 103(a). Specifically, claims 1 and 7 were rejected as unpatentable over Applicants' Admitted Prior Art (AAPA) in view of U.S. Pat. No. 6,564,995 B1 to Montgomery ("Montgomery"). The remainder of the claims, 3, 4, 9, 10 and 13-16, were rejected as unpatentable over AAPA in view of "Montgomery" as applied to claim 1, and further in view of U.S. Pub. No. 2001/0024066 to Fu et al ("Fu"). Applicants respectfully traverse these rejections.

#### **Independent Claim 1**

Amended claim 1 recites, in part, a method of setting a communication environment between a mobile terminal and a smart card using a layered architecture of a protocol stack wherein the answer-to-reset signal transferred from the smart card comprises at least one of a communication speed and a communication protocol, which are supported by the smart card itself, wherein the smart card supports a plurality of applications and a plurality of communication speeds and protocols that correspond to each application.

Montgomery merely teaches a method or mechanism for selecting the next application to run on a multi-application smart card. (Col. 1, lines 63-67), Montgomery generally addresses only the processes involved in selecting one of several applications on a multi-application smart card in the existing installed base of smart card terminals, even if the terminals are traditional single application terminals. (Col. 2, lines 43-53). Montgomery achieves this by implementing

in a smart card a “persistent storage unit” that stores data and/or information that indicates which application is to be run the next time the smart card is inserted into a terminal. Thus, Montgomery enables a user or, alternatively, the “persistent storage unit” to designate the next application to be run.

The teachings in Montgomery, however, fail to disclose a smart card that supports a plurality of applications *and* a plurality of communication speeds and protocols that correspond to each application, as recited by claim 1. Montgomery merely discloses the selection of the application that will be run on a terminal. In contrast, the Applicants’ invention teaches that the communication speed and communication protocol—communication environment—can be uniquely selected from a plurality of communication environments for a particular application in the plurality of applications. The Applicants’ invention can establish a dynamic communication environment between the smart card and the terminal, depending upon the selection of the mobile terminal. (Page 10, para. 45-46). The feature of dynamically establishing the communication environment is advantageous in that it provides the most suitable communication environment for a service to be utilized in connection with an application. *Id.*

Because Montgomery lacks “a plurality of communication speeds and protocols that correspond to each application,” Montgomery cannot be used to overcome the deficiencies of the AAPA. Neither Montgomery nor the AAPA discloses a plurality of communication speeds and protocols. Neither discloses applications supported by a plurality of communication protocols and one communication protocol supporting a plurality of applications. And finally, neither discloses or suggests establishing a dynamic communication environment for an application. No combination of the AAPA and Montgomery will yield or suggest all of the elements of claim 1. Therefore, claim 1 is patentable over the AAPA and Montgomery. Claims 3, 4, and 15 depend from claim 1, therefore they should be allowed for the same reasons.

Additionally, Montgomery teaches away from the claimed invention. Montgomery expressly criticizes a terminal undertaking a selection mechanism, “[t]he selection mechanism works well but has two primary drawbacks.” (Col. 1, lines 51-62). Instead, Montgomery relies on the “persistent storage unit” for indicating the application to be run. (Abstract, Col. 2, lines 1-53). Montgomery, in effect, precludes a terminal from making any kind of a selection. In contrast, the Applicants’ invention relies on a mobile terminal making the selections. “The mobile terminal of the present invention analyzes the communication environment information of the smart card, which is transferred with an ATR signal, and selects the communication speed

and the communication protocol” so that the most suitable communication environment for a given application can be established. (Page 10, para. 49). Therefore, in light of this teaching away in Montgomery, it cannot be combined with either the AAPA or Fu to arrive at the claimed invention.

**Independent Claims 7, 13, and 14**

Claim 7 is believed allowable for at least the same reasons presented above since claim 7 recites features that are similar to the features of claim 1 discussed above. Claims 9, 10, and 16 depend from claim 7, therefore they should be allowed for the same reasons. Claims 13 and 14 are also believed allowable for at least the same reasons presented with reference to claim 1 above since these claims recite features that are similar to the features of claim 1 discussed above. Furthermore, Fu does not make up for Montgomery’s deficiencies, therefore, no combination of AAPA, Montgomery, and Fu will arrive at all of the claimed elements.

**Dependent Claims 4 and 10**

The Examiner has also rejected claim 4 as unpatentable over AAPA in view of “Montgomery” as applied to claim 1, and further in view of U.S. Pub. No. 2001/0024066 to Fu et al (“Fu”). Claim 4 is patentable at least because it includes all the limitations of claim 1. Additionally, claim 4 should be allowed because none of the cited references discloses or suggests all of its limitations. Claim 4 provides the method as claimed in claim 1, wherein the smart card and the mobile terminal comprise a transmission layer for transmitting and receiving a data, and an application layer for processing the data, respectively, wherein the application layer of the smart card and the mobile terminal includes a plurality of applications, and the transmission layer of the smart card and the mobile terminal includes a plurality of communication environments capable of supporting the plurality of applications of the application layer, and wherein the transmission layer and the application layer are independently embodied to each other, so that one application is supported by a plurality of communication protocols and one communication protocol supports a plurality of applications. Neither Fu or Montgomery discloses the transmission layer and the application layer being independently embodied to each other, so that one application is supported by a plurality of communication protocols and one communication protocol supports a plurality of applications. Such dynamic communication environments are missing from all the references cited by the

Examiner. Therefore, neither Montgomery nor Fu makes up the deficiencies of the AAPA. Claim 4 should, therefore, be allowed.

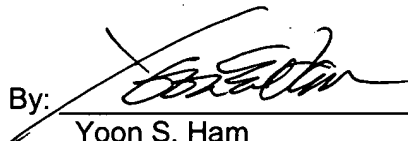
Claim 10 is believed allowable for at least the same reasons presented above with reference to claim 4, since claim 10 recites features that are similar to the features of claim 4 discussed immediately above.

**Conclusion**

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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